

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

ALEX MARCANO GARCIA,

Plaintiff

vs.

ZOE LABOY ALVARADO, et al.,

Defendants

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CIVIL NO. 98-1804 (JP)

**FINAL JUDGMENT**

The Court has before it Co-Defendant Felix Rodriguez's "Motion to Dismiss" (**docket No. 44**). The Court finds that nowhere does the Complaint allege a cause of action against Rodriguez in his personal capacity and, to the extent it alleges a cause of action against him in his official capacity, he is entitled to sovereign immunity under the Eleventh Amendment. The Court therefore hereby **GRANTS** Co-Defendant Rodriguez's motion to dismiss and **ENTERS JUDGMENT, DISMISSING WITH PREJUDICE** the Complaint against Co-Defendant Rodriguez in his personal and official capacity without costs or attorney fees.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 23<sup>rd</sup> day of June, 2004.

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S/ Jaime Pieras, Jr.  
JAIME PIERAS, JR.  
U. S. SENIOR DISTRICT JUDGE